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## **MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 16, 2008**

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, SEPTEMBER 16, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR PRO TEM BROOKS.

### **THE FOLLOWING MEMBERS WERE PRESENT:**

Russ Brooks  
Carolynn Burt  
Joel Coleman  
Corey Rushton  
Steve Vincent  
Mike Winder

Paul Isaac, Acting City Manager  
Sheri McKendrick, City Recorder

**ABSENT:** Dennis J. Nordfelt

### **STAFF PRESENT:**

Kevin Astill, Parks and Recreation Director  
John Evans, Fire Chief  
Russell Willardson, Public Works Director  
Layne Morris, Community Preservation Director  
Buzz Nielsen, Police Chief  
Ryan Robinson, Acting City Attorney  
John Janson, Acting CED Director  
Don Groo, Acting Finance Director  
Aaron Crim, Administration  
Jake Arslanian, Public Works Department

### **14208 OPENING CEREMONY**

The Opening Ceremony was conducted by Joel Coleman who led the Pledge of Allegiance to the Flag.

### **14209 SCOUTS**

Mayor Pro Tem Brooks welcomed Scout Troop No. 1034 in attendance to complete requirements for the Citizenship in the Community merit badge.

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14210      **APPROVAL OF MINUTES OF REGULAR MEETING HELD AUGUST 26, 2008**

The Council read and considered the Minutes of the Regular Meeting held August 26, 2008. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held August 26, 2008, as written. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

14211      **PROCLAMATION DECLARING THE FOURTH MONDAY IN SEPTEMBER AS *FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN* IN WEST VALLEY CITY**

Councilmember Burt read a Proclamation declaring the fourth Monday in September as *Family Day – A Day to Eat Dinner with your Children* in West Valley City.

14212      **COMMENT PERIOD**

Upon inquiry by Mayor Pro Tem Brooks the following individual addressed the City Council during the Comment Period:

Rich Hales, 3419 South 3450 West, addressed the City Council. Mr. Hales discussed the noise ordinance, problems in his neighborhood, and possible solutions. He expressed appreciation for involvement of police officers, but stated it had not always been at appropriate times. He suggested signs should be posted, people should be educated, and fines be doubled for violations regarding noise restrictions. He stated gatherings at Granger Park were loud and could be heard up to a quarter mile away. He also stated neighbors were frustrated and irritated. Mr. Hales answered questions from members of the City Council regarding times of the day problems existed with the noise in his neighborhood.

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Councilmember Coleman expressed appreciation to Mr. Hales, and neighbors in attendance, for making the Council aware of the problems and bringing possible solutions.

Councilmember Vincent stated he previously had met with the scout troop in attendance at the meeting this night. He indicated since none of the scouts desired to address the City Council, he desired to make it known the scouts had expressed need for a skatepark in the City.

14213

**PUBLIC HEARING, APPLICATION NO. S-2-2007, FILED BY BOYD BROWN, REQUESTING AMENDMENT OF LOT 2 IN THE ANDERSON MINOR SUBDIVISION AND FINAL PLAT APPROVAL FOR NORTHVIEW ESTATES AT THE VISTAS SUBDIVISION LOCATED AT 4650 SOUTH 6000 WEST**

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. S-2-2007, filed by Boyd Brown, requesting amendment of Lot 2 in the Anderson Minor Subdivision and final plat approval for Northview Estates at the Vistas Subdivision, located at 4650 South 6000 West. He discussed proposed Ordinance No. 08-45 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 08-45 which would approve the amendment of Lot 2 in the Anderson Minor Subdivision. Mr. Isaac stated the proposal would also amend Lot 2 of the subdivision located east of the Rocky Mountain Corridor and future Mountain View Corridor.

Mr. Isaac advised the subdivision consisted of 46 lots and two parcels on approximately 23.5 acres. He indicated lot sizes ranged from 8,000 square feet to 25,426 square feet. He also stated the average lot size had been calculated at just under 10,000 square feet. Mr. Isaac explained there were a number of lots in the subdivision that did not meet the 80-foot frontage requirement. For those lots, the developer applied a provision in the ordinance allowing up to 25% of the total lot count to have a reduction in the frontage of up to 15%. He stated for those lots, dwellings would need to be 200 square feet larger than the size specified in the development agreement. In addition, all dwellings would be 100% masonry as defined in the development agreement.

The Acting City Manager reported access to the subdivision would be gained from 6000 West and from a future connection to 4700 South. He stated that

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during the last year, staff had met on numerous occasions with the Utah Department of Transportation (UDOT), and Mr. Brown regarding the subdivision and access challenges due to the future Mountain View Corridor. He indicated those discussions had generally centered on the best way to plan for residential development in the area while trying to accommodate the proposed Mountain View alignment.

Mr. Isaac indicated the developer had formalized a road design that provided a connection from 6000 West to 4700 South. He further indicated the design had received the approval from UDOT and City staff. He stated the minor collector road had been designed to cross the corridor at a 90-degree angle, which would help lessen future bridge concerns. He also indicated, in addition, the proposed road alignment going south to 4700 South was the best possible location because of steeper slope concerns on property to the west.

Acting City Manager, Paul Isaac, stated the Public Works Department suggested the improvements installed for the crossing at 6000 West, along with the future crossing arms, could be moved to this location. He stated this would help reduce costs for the rail crossing and would help facilitate getting this crossing built.

Mr. Isaac reported the subdivision was located in an area that had some challenging groundwater problems. A soils report had been provided to address those concerns. He stated, according to that report, groundwater had been encountered in various locations at a depth of 11 feet. He indicated other areas within the subdivision had not exhibited any groundwater.

The Acting City Manager indicated the Engineering Division had expressed concerns regarding the subdivision's drainage. He indicated in order to address that concern, the developer was providing a 20-foot storm drain easement between Lots 37 and 38. He stated the easement would be in favor of West Valley City and serve the needs expressed by the Engineering Division. He also stated the developer would be responsible to coordinate the easement location with the railroad company and property owner to the east. He indicated the agreements would be signed and in place prior to plat recordation.

Mr. Isaac further reported the proposed subdivision was located in the outer ring of the overpressure zone (OPZ). He stated City ordinance would require certain construction standards, specifically stronger windows be applied for new dwellings. He stated a note regarding the OPZ would be attached to the subdivision plat.

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Acting City Manager, Paul Isaac, indicated as with other subdivision development in the area, there were concerns with the noise from concerts held at the USANA Amphitheater and from potential impacts of the Frito Lay manufacturing plant. He stated those concerns had been addressed with the Vistas development agreement but had not been addressed with this developer. He stated staff would recommend that similar notes be placed on the plat notifying potential residents of these impacts.

Mayor Pro Tem Brooks opened the public hearing.

Boyd Brown, applicant, addressed the City Council. Mr. Brown reviewed the proposal and requested approval. He also answered questions from members of the City Council.

### **ACTION: ORDINANCE NO. 08-45, APPROVING THE AMENDMENT OF LOT 2 IN THE ANDERSON MINOR SUBDIVISION**

The City Council previously held a public hearing regarding Application No. S-2-2007, filed by Boyd Brown, and proposed Ordinance No. 08-45 which would approve an Amendment of Lot 2 in the Anderson Minor Subdivision.

After discussion, Councilmember Winder moved to approve Application No. S-2-2007 and Ordinance No. 08-45, an Ordinance Approving the Amendment of Lot 2 in the Anderson Minor Subdivision. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

14214

**PUBLIC HEARING, APPLICATION NO. S-25-2008, FILED BY OSCAR GALICIA, REQUESTING AMENDMENT OF LOTS 38-41 IN BLOCK 7 OF THE CHESTERFIELD SUBDIVISION AND FINAL PLAT APPROVAL FOR GALICIA SUBDIVISION LOCATED AT 1597 WEST CLAYBOURNE AVENUE**

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Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. S-25-2008, filed by Oscar Galicia, requesting amendment of Lots 38-41 in Block 7 of the Chesterfield Subdivision and final plat approval for Galicia Subdivision located at 1597 West Claybourne Avenue. Mr. Isaac discussed proposed Ordinance No. 08-46 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 08-46 which would approve the amendment of Lots 38-41 in Block 7 of the Chesterfield Subdivision.

Mr. Isaac stated the proposed subdivision would amend Lots 38-41 in Block 7 of the Chesterfield Subdivision. He also stated the proposed subdivision would amend Lots 38-41 in Block 7 of the Chesterfield Subdivision. He explained the purpose for the subdivision would be to create an additional building lot. He indicated the existing dwelling would remain on what would be Lot 1. He indicated various outbuildings would be removed as part of the new subdivision. A new two-car garage would be constructed on Lot 1 to replace the existing garage used by the single-family dwelling. He stated all setbacks to the existing dwelling would be met as part of the new subdivision.

The Acting City Manager reported the property had been zoned “R-1-6” with the minimum lot size at 6,000 square feet and a minimum frontage of 65 feet. He indicated the applicant had requested a reduction to the frontage of what would be Lot 2. The width of the property fronting Lester Street was only 127.51 feet and would provide a 65 foot width for Lot 1 and 62.51 foot width for Lot 2. He indicated staff had explained to the applicant the frontage for the second lot could be reduced if the dwelling size was increased by 200 square feet and all masonry products were used on the exterior of the dwelling. He stated the applicant understood this and would comply with the provision of the ordinance.

Mr. Isaac indicated access to the subdivision would be gained from Claybourne Avenue and Lester Street. He reported, at the present time, public improvements do not exist along either street frontage.

Mayor Pro Tem Brooks opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Pro Tem Brooks closed the public hearing.

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### **ACTION: ORDINANCE NO. 08-46, APPROVING THE AMENDMENT OF LOTS 38-41 IN BLOCK 7 OF THE CHESTERFIELD SUBDIVISION**

The City Council previously held a public hearing regarding Application No. S-25-2008, filed by Oscar Galicia, and proposed Ordinance No. 08-46 which would approve the Amendment of Lots 38-41 in Block 7 of the Chesterfield Subdivision.

After discussion, Councilmember Coleman moved to approve Application No. S-25-2008 and Ordinance No. 08-46, an Ordinance Approving the Amendment of Lots 38-41 in Block 7 of the Chesterfield Subdivision. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

### **14215 RESOLUTION NO. 08-242, ACCEPT WARRANTY DEED FROM R & E INVESTMENTS, L.C. FOR PROPERTY LOCATED AT 3333 AND 3369 WEST 2400 SOUTH**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-242 which would accept a Warranty Deed from R & E Investments, L.C. for property located at 3333 and 3369 West 2400 South.

Mr. Isaac stated the Warranty Deed had been signed by R & E Investments, L.C.

The Acting City Manager reported a new building had been proposed for construction at the above-described location. He stated the existing property extended into a portion of the roadway at the corner of 2400 South and 3400 West. He indicated as a condition of approval for a building permit, dedication of that portion of right-of-way, 309 square feet, had been required.

After discussion, Councilmember Burt moved to approve Resolution No. 08-242, a Resolution Authorizing the City to Accept a Warranty Deed from R & E

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Investments, L.C. for Property Located at 3333 and 3369 West 2400 South. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

14216

### **RESOLUTION NO. 08-243, AUTHORIZE PURCHASE OF A USED 45-FOOT 2008 TEREX LT40 BUCKET TRUCK FROM NESCO SALES AND RENTALS FOR USE BY THE TRANSPORTATION DIVISION OF THE PUBLIC WORKS DEPARTMENT**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-243 which would authorize purchase of a used 45-foot 2008 Terex LT40 bucket truck from Nesco Sales and Rentals in an amount not to exceed \$86,900.00 for use by the Transportation Division of the Public Works Department.

Mr. Isaac stated the recommended purchase of a bucket truck would enable the City to reduce future costs by maintaining City-owned street lights and traffic signals in-house.

The Acting City Manager reported the City currently owned 318 streetlights and 28 traffic signals. City-owned streetlights were currently maintained through Rocky Mountain Power for an additional charge. He stated the City contracts with Salt Lake County for maintenance of traffic signals. He indicated the number of streetlights owned by the City would continue to increase since all new lights installed by developers in new subdivisions were dedicated to the City.

Mr. Isaac indicated an analysis of maintenance costs for street lighting and traffic signals had shown the City could save money by purchasing needed equipment and doing the work in-house. He stated taking over maintenance of the 318 streetlights currently owned by the City, but maintained through Rocky Mountain Power, would eliminate a cost of \$21,000.0 a year. He further stated taking over routine traffic signal maintenance from the County was estimated to save an additional \$30,000.00 a year. He indicated maintaining traffic signals and

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streetlights in-house would cost about the same as what was currently being expended. He reported, however, Rocky Mountain Power had requested a 12% increase in street lighting rates. Salt Lake County signal maintenance costs would increase \$1,000.00 per signal next year, for a total increase of \$28,000.00. He indicated, in the long term, maintaining the assets in-house would be the most economical alternative.

Acting City Manager, Paul Isaac, reported the Fleet Management Division had located a 2008 model bucket truck with less than 500 miles of use. He also reported purchasing the used truck would save \$10,000.00 compared to the cost of a new 45-foot bucket truck. He stated the truck was practically brand new and would meet all the needs of the Transportation Division.

Mr. Isaac indicated the City's procurement code allowed for the use of sole source procurement when competition would not be likely to produce other acceptable offers. He stated it was extremely difficult to compare prices for used vehicles since vehicle specifications, mileage, and hours of use varied considerably. He also indicated the Fleet Management Division's effort to locate used bucket trucks had shown this to be a good price for this age and type of vehicle. He further stated it was unlikely that soliciting bids for a used bucket truck would produce a more acceptable offer.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-243, a Resolution Authorizing West Valley City to Purchase a used 45-foot 2008 Terex LT40 Bucket Truck from Nesco Sales and Rentals for use by the Transportation Division of the Public Works Department. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

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### **RESOLUTION NO. 08-244, APPROVE AN EXHIBIT AGREEMENT WITH IRVIN TRUJILLO FOR DISPLAY OF AN ART EXHIBIT ENTITLED “WARP MEETS WEFT: INDIA AND AMERICA’S SOUTHWEST THREAD TOGETHER IN UTAH”**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-244 which would approve an Exhibit Agreement with Irvin Trujillo for display of an art exhibit entitled “Warp Meets Weft: India and America’s Southwest Thread Together in Utah.”

Mr. Isaac stated the exhibition consisted of approximately 21 woven tapestries and rugs. He also stated there was no exhibition fee. He indicated the total value of the exhibit was approximately \$100,000.00 which would be insured under coverage limits established by the current URMMA (Utah Risk Management Mutual Association) policy with a \$1,000.00 deductible. A free public reception and panel discussion with the artists would be held on Thursday, September 18<sup>th</sup> from 6:00 – 9:00 P.M. He informed that both artists would be in attendance at the opening and would participate in a panel discussion. He stated Balakrishnana would also participate in a full day ARTrageous program serving over 230 local students.

The Acting City Manager reported staff of the Utah Cultural Celebration Center (UCCC) had been approached early this year with a proposal to be the primary host site that would initiate a tour of the “Warp Meets Weft” exhibit around the Southwest. He indicated the India Forum of Utah had sponsored the exhibit and had raised funds to cover expenses for the exhibit and the visiting artists. He stated this exhibition opportunity supported the UCCC mission, highlighting weaving as an art form and its traditional roots in many cultures.

After discussion, Councilmember Rushton moved to approve Resolution No. 08-244, a Resolution Authorizing the Execution of an Exhibit Agreement between West Valley City and Irvin Trujillo for the Display of an Art Exhibit Entitled “Warp Meets Weft: India and America’s Southwest Thread Together in Utah.” Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes

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Mr. Rushton	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

14218      **APPLICATION NO. S-25-2007, FILED BY JEFF MANSELL,  
REQUESTING FINAL PLAT APPROVAL FOR REUNION WOODS PUD  
LOCATED AT 3639 SOUTH 5600 WEST**

Acting City Manager, Paul Isaac, presented Application No. S-25-2007, filed by Jeff Mansell, requesting final plat approval for Reunion Woods PUD located at 3639 South 5600 West.

Mr. Isaac stated the Reunion Woods Subdivision would be a senior community consisting of 24 units of 4.19 acres. The project had an overall density of 6.2 units per acre which was similar to other senior projects approved in the City. He also indicated the subdivision had been proposed as a planned community with private streets, and open space areas.

The Acting City Manager reported access to the development would be gained from 5600 West. He stated the developer had been coordinating access with UDOT (Utah Department of Transportation). He further stated there were presently two existing dwellings on 5600 West that would gain access through the new development. He reported the applicant would be responsible to coordinate this access and all new improvements with these property owners. The internal street system would be private and access to all dwellings would be through a series of limited driveways. He stated the limited points of access from the private street would add additional landscaping and character to the subdivision.

Mr. Isaac indicated buildings would be comprised of four units. He stated the architecture was somewhat similar to the Valley View Villas and Hunter Villas communities. The minimum dwelling size would be 1,500 square feet as specified in the development agreement.

The Acting City Manager stated building materials would consist of 100% masonry products. He further stated according to submitted building elevations, chosen materials would consist of stone, stucco and hardi plank. The developer was looking at two color schemes. He stated although the proposed colors were somewhat similar, there would be enough differences to create an attractive look between buildings.

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Mr. Isaac explained the developer had submitted a landscape and amenity plan. He indicated the developer believed the senior environment would benefit from a paved walking path, gazebo, benches and open space areas for children and/or grandchildren to play.

Acting City Manager, Paul Isaac, reported the developer proposed to fence the perimeter of the development. He stated senior communities that had been approved in past years all had perimeter fencing. Mr. Isaac indicated to create the privacy the developer desired, he had proposed a six-foot vinyl fence. He indicated although color was not something generally discussed, staff recommended using a tan color to unify the overall development.

Mr. Isaac advised the density proposed for this site would require the developer to participate in the TDR (Transfer of Development Rights) program. He indicated as specified in the development agreement, the applicant would need to resolve this issue as part of the subdivision process. He stated the developer continued to work with staff to resolve this issue.

Mayor Pro Tem Brooks noted that the applicant was in attendance and invited him to address the City Council.

Jeff Mansell, applicant, addressed the City Council. Mr. Mansell requested approval of the application. He also requested the Council approve TDR fees to be paid as the building permits were “pulled.” Mr. Mansell answered questions from members of the City Council.

The City Council inquired if staff had concerns regarding the request. John Janson, Acting CED Director, advised there would be no problems with the request.

After discussion, Councilmember Coleman moved to approve Application No. S-25-2007, filed by Jeff Mansell, and give final plat approval for Reunion Woods PUD located at 3639 South 5600 West; with a change to #11 in the Development Agreement regarding payment of TDR fees as requested by the applicant. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes

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Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Pro Tem Brooks	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, SEPTEMBER 16, 2008, WAS ADJOURNED AT 6:59 P.M., BY MAYOR PRO TEM BROOKS.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, September 16, 2008.

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Sheri McKendrick, MMC  
City Recorder

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